

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

MAY 09 2017

Clerk, U.S. District Court
District Of Montana
Missoula

DEFENDERS OF WILDLIFE,

Plaintiff,

vs.

RYAN ZINKE, Secretary, U.S.
Department of the Interior, in his official
capacity, JIM KURTH, Director, U.S.
Fish and Wildlife Service, in his official
capacity,

Defendants,

and

IDAHO FARM BUREAU
FEDERATION; WYOMING FARM
BUREAU; MONTANA FARM
BUREAU FEDERATION;
WASHINGTON FARM BUREAU,
IDAHO STATE SNOWMOBILE
ASSOCIATION; COLORADO
SNOWMOBILE ASSOCIATION;
COLORADO OFF-HIGHWAY
VEHICLE COALITION; AMERICAN
PETROLEUM INSTITUTE; MONTANA
PETROLEUM ASSOCIATION;
WESTERN ENERGY ALLIANCE;

CV 14-246-M-DLC

(Consolidated with Case Nos.
14-247-M-DLC and
14-250-M-DLC)

ORDER

GOVERNOR C.L. "BUTCH" OTTER;
STATE OF MONTANA; MONTANA
FISH, WILDLIFE AND PARKS; and
STATE OF WYOMING,

Defendant-Intervenors.

On May 5, 2017, this Court received the parties' Joint Stipulations for Attorneys' Fees and Costs entered into by and between: (1) Plaintiff Defenders of Wildlife and Federal Defendants Ryan Zinke, Secretary of the Interior, *et al.*, concerning Plaintiffs' claim for fees and costs in Case No. 9:14-CV-246-DLC; (2) Plaintiffs Center for Biological Diversity, *et al.*, and Federal Defendants Ryan Zinke, Secretary of the Interior, *et al.*, concerning Plaintiffs' claim for fees and costs in Case No. 9:14-CV-247-DLC; and (3) Plaintiffs WildEarth Guardians, *et al.*, and Federal Defendants Ryan Zinke, Secretary of the Interior, *et al.*, concerning Plaintiffs' claim for fees and costs in Case No. 9:14-CV-250-DLC.

Plaintiffs filed motions for attorneys' fees in this case on November 4, 2016, and November 4, 2016. The parties jointly moved to stay briefing on Plaintiffs' fee motions to provide the parties with sufficient time to engage in settlement discussions regarding Plaintiffs' request for attorneys' fees, costs, and other expenses. The Court granted the stay.


The stipulations now before the Court set forth the amount of \$27,000

agreed to for satisfaction of Plaintiffs' claim for attorneys fees in 9:14-CV-246-DLC, \$176,000 agreed to for satisfaction of Plaintiffs' claim for attorneys fees in 9:14-CV-247-DLC, and \$210,000 agreed to for satisfaction of Plaintiffs' claim for attorneys fees in 9:14-CV-250-DLC, along with various other provisions. The stipulations state that the amounts agreed to resolve all of Plaintiffs' claims for attorneys' fees and costs and that Plaintiffs agree to withdraw their pending motions for an award of attorneys' fees and costs upon the Court's approval of the stipulations. Since the stipulations clearly intend for the withdrawal of Plaintiffs' motions, the Court will deny the motions as moot.

Accordingly, IT IS ORDERED that the Stipulations (Docs. 142, 143, 144) are APPROVED.

IT IS FURTHER ORDERED that Plaintiffs' Motion for Attorneys' Fees and Costs (Docs. 126, 127, 131) are DENIED as moot. The Court will retain jurisdiction to enforce the terms of the parties' stipulations.

DATED this 9th day of May, 2017.

A handwritten signature in black ink, appearing to read "Dana L. Christensen", is written over a horizontal line.

Dana L. Christensen, Chief Judge
United States District Court